CONFERENCE ON DISARMAMENT

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ENGLISH

FINAL RECORD OF THE SEVEN HUNDRED AND FORTY-SEVENTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 August 1996, at 10 a.m.

President: Mr. Dembinski (Poland)

GE.96-63687 (E)

The PRESIDENT: I declare open the 747th plenary meeting of the Conference on Disarmament.

Before giving the floor to the speakers inscribed on the list I would like you to recall that at our last plenary meeting on Tuesday, 20 August, following the adoption of the report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference as contained in document CD/1425, I stated the following:

> "It appears that further consultations are still required in order to reach agreement on the course of action to be taken with regard to the report of the Ad Hoc Committee on a Nuclear Test Ban ... in order to enable the Conference to reach a decision at the next plenary meeting on Thursday, 22 August."

Intensive consultations have taken place both within and among groups in order to reach agreement on this matter. Unfortunately, it appears that there is no consensus on any further course of action with regard to the report of the Ad Hoc Committee on a Nuclear Test Ban.

I understand that a number of delegations would like to take the floor on this matter. First, I understand that the distinguished Ambassador of Pakistan would like to take the floor.

Mr. AKRAM (Pakistan): The role of the Conference on Disarmament, as the single multilateral negotiating body, was enshrined in the Final Document of the first special session on disarmament. The role of this body in negotiating the CTBT has been consistently underlined by the Pakistan delegation throughout the process of negotiations of the last two and a half years. We continue to believe that the Conference on Disarmament must play its part in the conclusion of the CTBT. My delegation has already expressed its regret at the inability of our Conference to take a decision on the text of the draft treaty. We have, however, adopted the report of the Ad Hoc Committee, which was transmitted to the Conference on Disarmament at our last meeting. It is the view of my delegation that this report of the Ad Hoc Committee, which was adopted by the Conference without objection, should be transmitted for information to the General Assembly of the United Nations immediately. This action will at least retain and confirm the role of the Conference on Disarmament in the negotiation of multilateral disarmament measures. I would hope that this proposal will meet with the consensus of the Conference.

Mr. de ICAZA (Mexico) (translated from Spanish): First, of course, Sir, we extend to you our heartiest congratulations on your assumption of the presidency of the Conference. We have long known your qualities, your dedication to the cause of disarmament and your skill in the field of the halting of nuclear tests.

Mexico's comments on the draft comprehensive nuclear-test-ban treaty are to be found in the Ad Hoc Committee's report which the Conference approved the day before yesterday. It is not my intention to repeat them here; suffice it

(Mr. de Icaza, Mexico)

to say that it does not fully live up to the hopes we had of the negotiations. None the less, Mexico was in favour of the submission of the draft treaty to this Conference on Disarmament for its consideration and supports its referral by this body to the United Nations for consideration during the resumed fiftieth session of the Assembly. Since there was no consensus on that, my delegation considers it essential that the Ad Hoc Committee's report be referred to the fiftieth United Nations General Assembly, for it would be very serious if a comprehensive nuclear-test-ban treaty were not opened for signature next month as was intended. If it is not, we shall have missed an historic opportunity. Furthermore, we would be running the risk of encouraging horizontal and vertical nuclear proliferation and undermining current efforts in the spheres of arms control and reduction of nuclear stockpiles. If the treaty is not signed, it would, of course, be very hard to initiate, let alone institutionalize, a dynamic process leading to general and complete nuclear disarmament. On the contrary, we could diminish the present strong worldwide public support for disarmament. The cause of nuclear disarmament would be the first victim of our failure. Nuclear tests must end immediately and end once and for all; that is the demand of the international community. This Conference has made a commendable effort to translate this demand into a legally binding instrument. The fiftieth General Assembly is entitled to be informed of our labours. My delegation supports the proposal made by the representative of Pakistan.

The PRESIDENT: I thank the distinguished Ambassador of Mexico for his statement and the kind words he addressed to the Chair. I understand that the distinguished representative of Brazil would like to take the floor on this question of the action.

Mr. LAMAZIERE (Brazil): Let me first congratulate you, Sir, on your assumption of the presidency of this body and assure you of the total cooperation of my delegation. The interventions by the Ambassadors of Pakistan and Mexico have made my task easier. My delegation also thinks that it is only natural that after adopting the report of the Ad Hoc Committee, both at the level of the Committee and at the level of the Conference, the natural course of action in concluding the work of the Committee would be to send this report to the General Assembly, and we support the proposal by the Ambassador of Pakistan.

The PRESIDENT: I thank the distinguished representative of Brazil for his statement and his kind words to the Chair. I understand that the distinguished Ambassador of Egypt would like to take the floor on this question of the action to be taken on the report.

Mr. ZAHRAN (Egypt) (translated from Arabic): Mr. President, I welcome your presence in the Chair of this Conference and I wish you every success. I would also like to express my sincere appreciation to your predecessor, the Ambassador of Pakistan, Mr. Munir Akram, for his wise conduct of our proceedings during this critical period of our work, and to express similar appreciation to the Ambassadors of Peru and Russia.

(Mr. Zahran, Egypt)

Mr. President, with regard to the matter you have just raised, I would like to explain our position. With our adoption of the report of the Ad Hoc Committee on a Nuclear Test Ban, which met under the very effective guidance of Ambassador Ramaker, we consider that the work of the Ad Hoc Committee has been concluded and that, in accordance with its mandate, the Committee has negotiated a text for a comprehensive test-ban treaty. For that reason, we consider that the Ad Hoc Committee has no more work to do on negotiating or finalizing this treaty. Following the adoption of the report, we consider that the work done by Ambassador Stephen Ledogar of the United States of America as Friend of the Chair should be submitted to the President of the Conference in the plenary. In view of the adoption on 20 August of the Ad Hoc Committee's report, I consider it is our duty and our right to transmit that report as is to the General Assembly in accordance with resolution 50/65, paragraph 6. The General Assembly has the right to know the state of the negotiations concerning the test-ban treaty. The General Assembly has the right to know how those negotiations went, the Ad Hoc Committee Chairman's assessment, and the positions of the delegations which spoke on the Committee's report, including the delegation of Egypt. Mr. President, I have taken the liberty of sending you a letter containing the position of Egypt on the treaty and the transmittal of the text and showing that Egypt shares in the consensus to send it to the General Assembly. We therefore support the transmittal of the report of the Ad Hoc Committee on a Nuclear Test Ban to the General Assembly in accordance with the Assembly's resolution 50/65. We consider that could be done in the form of a decision by this meeting or by the Conference on Disarmament or in the form of a letter which you would write as President of the Conference to the President of the General Assembly in order that the General Assembly can take into account the report of the Ad Hoc Committee when it takes up the question of a comprehensive test-ban treaty at its resumed fiftieth session.

The PRESIDENT: I thank the distinguished representative of Egypt for his statement and his kind words to the Chair. I give now the floor to the distinguished representative of Peru.

Mrs. TINCOPA (Peru) (translated from Spanish): First of all, Sir, I would like to congratulate you on your assumption of the presidency of the Conference on Disarmament. We know your professional qualities and wish you every success.

My delegation wishes to associate itself with the delegations which have requested that the report of the Ad Hoc Committee on a Nuclear Test Ban be forwarded to the General Assembly as soon as possible. The Conference on Disarmament, as the sole multilateral negotiating forum on disarmament, cannot disappoint the international community, which awaits concrete results from it.

The PRESIDENT: I thank the distinguished representative of Peru for her statement and her kind words to the Chair. I give the floor to the distinguished representative of Chile.

Mr. CAPDEVILA (Chile) (translated from Spanish): First, Sir, my delegation wishes to congratulate you on presiding over the debates of the Conference on Disarmament during this period. We wish you every success in your duties.

The Chilean delegation wishes to make a brief statement on the matter currently under discussion. The Chilean delegation supports the idea that the Conference on Disarmament should, without further delay, adopt a decision to the effect that document CD/1425, which contains the report of the Ad Hoc Committee on a CTBT, should be forwarded to the fiftieth session of the General Assembly of the United Nations for its consideration. The political costs and negative repercussions for the Conference on Disarmament should the text not be forwarded in due time would seriously harm the credibility of the international community's sole disarmament negotiating body. Accordingly, my delegation associates itself with the statements to this end made by Pakistan, Mexico, Brazil and Peru.

The PRESIDENT: I thank the distinguished representative of Chile for his statement and his kind words to the Chair.

Mr. STARR (Australia): Mr. President, I do apologise for interrupting your flow. But allow me, since I am speaking, to congratulate you on your assumption of the presidency. It is a great pleasure for me to see you on the podium and I can assure you of the full cooperation of my delegation.

I interrupted you because I wished to speak on the item of business which you were discussing, namely, the transmittal of the NTB report to the General Assembly immediately. I endorse the comments that have been made by other speakers regarding the transmission of that report. I believe the report is a significant record of the work of the Ad Hoc Committee. While my delegation focuses its attention on the fate of the treaty text which has been negotiated by that Committee, we believe that the report is an important element in the Conference on Disarmament's processing of the work of the Committee and, therefore, deserves, first of all, the adoption that it has received within this Conference, but also the transmission of that report to the international community now, that is, to the General Assembly. Therefore, the Australian delegation would support the comments that have already been made regarding the transmission of the report. I wondered, however, whether we should not complete this item of business. There are undoubtedly other speakers waiting to address the Conference, but I understand not on this particular item, and I would hope that perhaps you can review - revisit your conclusion that there is not consensus on the transmission of this report, given the list of speakers that have urged its transmission, and now put to this Conference the transmission of the report which this Conference has already adopted. I cannot see any reason why this Conference, having adopted this report, should not now wish to apprise the international community, through the General Assembly, of a situation which we regard as both serious and urgent.

The PRESIDENT: We have a formal proposal by several delegations, including that of Australia. So, I open again the question of whether there would be consensus to transmit the report of the Ad Hoc Committee on a Nuclear Test Ban, which we adopted on 20 August, to the fiftieth session of the General Assembly. The representative of Iran has the floor.

Mr. NASSERI (Islamic Republic of Iran): Just a query. What precisely is the decision that you are putting to the floor to be adopted? Because if it is a question of the report to the General Assembly, we have of course rule 44 of the rules of procedure. The President would have to present to us a draft for consideration. There is no draft, so we do not know on what precise proposal there is a request for consideration.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): As you will know from our consultations, the Western Group is unanimously in favour of transmitting this report to the General Assembly and you presented the members of the Conference, through the Group Coordinators, with a draft on Tuesday of the report which you suggested should be made to the General Assembly. And so, certainly, as far as the Western Group is concerned, the answer to the question of the distinguished Ambassador of Iran would be that you did circulate a draft report on Tuesday of this week.

Mr. BENJELLOUN-TOUIMI (Morocco) (translated from French): I did not really intend to take the floor. I should like, Sir, to discharge the duty of congratulating you on your assumption of the presidency and assuring you of our cooperation and to thank your predecessor for the excellent work done to date.

I am surprised that the transmittal of a report that has been adopted by the Conference on Disarmament should not be following the normal procedure. This report was adopted by the Conference, it is well balanced, it reflects the real situation; to transmit it to the United Nations General Assembly seems to me entirely natural, since each of us was able to put all his comments and views in the Ad Hoc Committee's report before the Conference on Disarmament adopted it. Consequently, to bury it, so to speak, at the level of the Conference on Disarmament would be at the least an arbitrary act. I consider it entirely natural that a document adopted by the Conference on Disarmament on such an important topic should, even if there is not consensus among the members of the Conference, be transmitted by the Conference on Disarmament to the General Assembly. It is as natural and simple as that. I was even going to say that we could simply say today, at this meeting, that in principle we are going to transmit it and that we will leave it to you to give us a paper reflecting that which we could perhaps adopt later. But to get the matter over with, we just need to say that the Conference accepts the idea of transmitting the report and ask you to draft a very simple sentence on the basis of the text I see before me - and I think that text is itself very simple - a very simple sentence saying that the Conference on Disarmament transmits the Ad Hoc Committee's report to the General Assembly and nothing more.

The PRESIDENT (translated from French): I thank the representative of Morocco for his statement and his kind words to the Chair.

(continued in English)

The distinguished Ambassador of Slovakia has the floor.

Mrs. KRÁSNOHORSKÁ (Slovakia) (translated from French): I would like on behalf of the Eastern European Group to support the statement by the distinguished Ambassador of the United Kingdom.

The PRESIDENT: So in order to make things clear, maybe I will just read the brief draft report which was submitted for consultation to regional Groups. It reads as follows:

"1. At its 746th plenary meeting on 20 August 1996, the Conference on Disarmament adopted the report of the Ad Hoc Committee on a Nuclear Test Ban as contained in document CD/1425 and Corr.1.

"2. In conformity with rule 43 of its rules of procedure, and in response to resolution 50/65 adopted without a vote by the General Assembly on 12 December 1995, the Conference on Disarmament submits to the General Assembly of the United Nations this special report containing the report of the Ad Hoc Committee on a Nuclear Test Ban, which reads as follows:" -

and then would follow the text of the report which we have adopted.

That is the proposal which was discussed and I think goes along the lines also proposed here by several speakers. Would this text be acceptable? The distinguished Ambassador of China has the floor.

Mr. SHA (China) (translated from Chinese): The Chinese delegation has listened with attention to the statements made by several of my colleagues who took the floor before me. The Chinese delegation firmly supports the transmittal to the General Assembly of the report of the Ad Hoc Committee on a Nuclear Test Ban which the plenary adopted by consensus on Tuesday.

Mr. NASSERI (Islamic Republic of Iran): I appreciate your clarifications as well as the clarifications presented by Ambassador Sir Michael Weston. It is true, of course, that apparently a non-paper or a Conference paper without number, date or otherwise, has been distributed or presented by Coordinators to various members and, indeed, we have had some discussion on this. But eventually it was not clear as to whether this is a proposal by a Group, a number of countries, or is this a draft that was prepared by the President and is being proposed to the Conference for consideration? That is one of the questions that remains unclear.

Now, about the necessity - as resolution 50/65 calls for - or the wisdom of transmitting a separate report to the resumed fiftieth session of the General Assembly, some believe that there is a relevance, a need, to have such

(Mr. Nasseri, Islamic Republic of Iran)

a separate report. For my delegation, that really is unclear and I am not raising this as a political question. It is really a question of principle and also a question of credibility of the Conference on Disarmament and the way we conduct our work. Because to report separately to the General Assembly in an urgent manner, on a non-consensus situation, does set a precedent. Presumably, this Conference is going to continue its work and have other important negotiations. It will be quite awkward, I think, and perhaps unhealthy to consider that in the future as well, at any point, negotiations could somehow come to a halt, and a quick decision would be made to report non-consensus to the General Assembly.

A precedent would be created by such a decision and by having a separate report. We are considering this at a time when it is entirely possible to have the full report, the annual report of the Conference on Disarmament, prepared very quickly because we have not done much other work. We have item 1 and item 2 which perhaps require a bit of consideration, and consideration of item 2 is not entirely unrelated to item 1 because questions, for instance, that relate to nuclear disarmament and how this Conference is going to treat that question in the future - including the pending proposal on the table which has also been demanded by the General Assembly to establish an ad hoc committee - is likely to have a bearing for some countries, including mine, in the consideration of the whole issue as nuclear disarmament has been one of the sticking-points in the draft treaty that has been proposed. But, nevertheless, I believe you are fully aware of the rules of procedure. Rule 44 suggests that the drafts of such reports, that is, annual or any other reports from the Conference on Disarmament, shall be prepared by the President of the Conference with the assistance of the Secretary-General and shall be made available to all member States of the Conference for consideration at least two weeks before the scheduled date for their adoption. Now, this is the proper way to examine and consider any proposal. That is the way, my delegation believes, we should consider this proposal, just as we would at any other occasion any other proposal.

If the Conference feels that we have to set another precedent, that we have another aberration, we really should have a good reason for it. If there is a need, as has been suggested through these consultations through Coordinators, that there is a date envisaged for a signing ceremony and, working backwards, that at a certain date this non-consensus report - for whatever value it is - should be presented to the General Assembly, and then again working backwards, at a fixed certain date we have to adopt that report, all of these timing questions are not clear to us, because I believe it is entirely possible to have this report; even if the intention is to have a separate report presented to the fiftieth General Assembly, it is entirely possible to follow the rules of procedure and deliver it in time. Therefore, there are questions of this nature that remain, and I would assume that a hasty decision here would probably create more problems than solving anything, and in that light, perhaps it would be useful to have further consultations in another form - open-ended consultations under your guidance, Mr. President,

(Mr. Nasseri, Islamic Republic of Iran)

just to clarify some of these points, just to see what the game plan is, when a signing ceremony is intended, if any, and then just work together on this and see what it is that we precisely need to do, and when, in order to allow this process to move forward.

Mr. HOFFMANN (Germany): I will speak to congratulate you later, but first let us do some work. We have a procedural problem on our hands really and, of course, we all love our rules of procedure. But, to my memory, rule 44 has never been invoked before, and during my time here we would never have had a final report out in time if we had invoked this rule of procedure, and I suppose the secretariat would agree with this assessment. So, therefore, I think we should deal with our business in the usual way and not invoke rule 44.

Therefore, and under the circumstances that we all know about and given that we have had the text since Tuesday, I think the time is ripe now to take a decision. But, if Iran insists on rule 44, then, as a fall-back, we still have the proposal on the table that you write a letter to the President of the General Assembly. This would not be a formal report. There, in the second paragraph, you would just take out rule 43 of the rules of procedure and the text would go as a letter. So these are the two options I see in front of us, but I would much prefer the first option, namely, a special report of the Conference.

Ms. GHOSE (India): For purely fortuitous reasons, over the last three days I have been operating as the Coordinator of the Group of 21, and in my efforts to try faithfully to reflect - a very difficult task - the views of the Group of 21 during the informal consultations that you held, I was constrained in my ability to voice my delegation's, my Government's, point of view on this issue.

I think that the issue of rules should not be so quickly dismissed. We have been dismissing precedents, rules, legal argumentation with too much ease, and yet we keep talking about the credibility of the Conference on Disarmament. I think we should really see what it is we are doing. If the credibility of the Conference on Disarmament is to exist, we cannot brush aside rules unless there are very good reasons. I am now speaking as the representative of India, not on behalf of any other delegation or group of delegations.

At the last plenary meeting, we did adopt the report of the Ad Hoc Committee on a Nuclear Test Ban. This report, as we were told by the Chairman of that Committee, contained the history of the negotiations. This report also makes it quite clear why we were not able to agree on a treaty text. Clearly, the General Assembly needs to be informed about this fact in order for it to decide what further action needs to be taken, in its view, to promote a true and genuine test-ban treaty. Obviously, then, my delegation would have no objection to this report being sent to the General Assembly in the regular course, as the Conference on Disarmament is expected to report - and as the delegate of Morocco said, there is nothing surprising in this - to

(Ms. Ghose, India)

the General Assembly on a regular basis. However, what has been proposed both in the text and today is, in our view, somewhat extraordinary and curious; that is, sending a report which contains a history of negotiations to a resumed session of the General Assembly.

Now, the curiosity and the motives behind this, the reasons behind this, are not very clear, at least to us. The General Assembly resolution, which I have before me, clearly called on the Conference on Disarmament to negotiate a universal and multilateral effectively verifiable comprehensive test-ban treaty, and it called upon the Conference on Disarmament to advance the work on the basis of the rolling text. It further called upon the Conference on Disarmament to make all efforts to re-establish the Ad Hoc Committee and make all efforts to complete the final text of the treaty as soon as possible in 1996. It also declared the General Assembly's readiness to resume consideration of the item, as necessary, before its fifty-first session in order to endorse the text of a comprehensive test-ban treaty.

Now, as we are all aware, the Conference on Disarmament did not reach consensus on a text of a comprehensive test-ban treaty. So I do not think that the resumed session of the General Assembly is expecting anything from the Conference on Disarmament. The Conference on Disarmament has completed its work as far as that is concerned. Yes, the results of that work need to be communicated to the General Assembly as a part of our annual report. The point that we are trying to make here is that the adoption of the Ad Hoc Committee's report last Tuesday completed and concluded, as far as we were concerned, the action required by the Conference on Disarmament on this matter.

As I said, apart from sending the Ad Hoc Committee's report as a part of its regular annual report to the next General Assembly, which I have no doubt it will do - and it will be seen in the context in which these negotiations took place - we have heard today much about the credibility of the Conference on Disarmament and proceeded almost straight away to try and undermine that credibility. But I would like to make two other points. One is something which is not reflected in the report but is reflected in the verbatim records of the Conference on Disarmament: during the course of these negotiations we have been told that the Conference on Disarmament is not the forum where nuclear disarmament can be discussed. I think that those who question our motivations about nuclear disarmament should recall that when we talk about the credibility of the Conference on Disarmament. We believe, and we continue to believe, that it is the sole multilateral negotiating body on disarmament. It is not we who are saying we will not negotiate here. This is not the first occasion when the Conference on Disarmament has not reached agreement; this is not the first occasion when one delegation has opposed overwhelming agreement on a particular decision of the Conference on Disarmament. The Conference on Disarmament continues in its efforts, and we intend to continue to do this.

I am putting these views forward because we still have a question. We have a question: we are not sure why we are sending this report to the resumed session. To send it to the General Assembly, by all means, that is taken for granted, and we would clearly, having participated in the adoption

(Ms. Ghose, India)

of the report, not at all object to this report going to the General Assembly in normal course. What raises the questions in our mind is: why are we doing this to the resumed session? The General Assembly asked us for a text. There is no text that the Conference on Disarmament can recommend. We therefore - at least for the moment - have no objection to further consultations; perhaps this may offer clarifications and further possibilities. But for the moment, we find this particular proposal unwarranted.

Mr. KREID (Austria): Apart from our congratulations to you on having assumed the presidency in this difficult moment of our deliberations, let me say that many of us in this room at this point experience a strong sense of frustration, which, however, is part of our job and, therefore, we cannot complain. We are also aware, I think, that the reasons advanced by a few delegations which do not wish, obviously, that we come to a conclusion - to a fast and clear conclusion - of our work here, have not been convincing. They are based on procedural aspects, which basically means that we are going to have to dally on for days, which is going to be very costly, both in terms of money, if you consider the time and effort that goes into this, and also, I think, in terms of prestige for the Conference on Disarmament. I must admit both Ambassador Nasseri and Ambassador Ghose are extremely persuasive and I certainly appreciate the skilful way they presented their arguments. However, I still must say that what we are going to gain by delaying a decision, or by not coming to a decision today, is nothing of substance. The report which we are supposed to adopt is a mere formality. It is merely endorsing another report which has already been adopted. So I really believe that anybody who is seriously looking at the substance of the work we are doing should have second thoughts in making us linger on this frustrating business.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): I would like to recall that you said at our last plenary meeting on Tuesday, as you reminded us today, that a decision would be taken today on whether to transmit the Ad Hoc Committee report to the fiftieth session of the General Assembly. No delegation objected to what you said about taking a decision today. We have a number of delegations who want to make substantive statements. Would it not be better if you were now simply to put formally to the Conference the question whether there is any objection to what you are proposing? And, whatever is decided, we can leave it at that and get on with our work.

Mr. BENJELLOUN-TOUIMI (Morocco) (translated from French): I wanted first of all to restate a principle which I have upheld since I first came here, namely that procedure is important, it is the guarantor of our rights. I therefore appreciate the full value of the procedural arguments which have been adduced. Nor am I going to change my opinion now, even though I may not entirely share the point of view of the speakers concerned. I understand why people should want to raise procedural issues: substance is also at stake, for procedure is often linked to substance. That having been said, I would also like to say that the reading which has been given of General Assembly resolution 50/65 is one that I fully respect; I fully respect India's point of view. But other readings are possible, too, and I will now give one which, it seems to me, is perhaps the simplest. It is my belief that the first answer

(Mr. Benjelloun-Touimi, Morocco)

to the question why we wish, pursuant to our rules of procedure, to transmit the report of the Ad Hoc Committee which was adopted by consensus to the General Assembly by the next session - there is, of course, a question of timing, but we will come back to that later - the first answer to that question is to be found in the preamble of the General Assembly resolution, where it reads, in English:

(continued in English)

> "Reaffirming that a comprehensive nuclear-test ban is one of the highest priority objectives of the international community in the field of disarmament and non-proliferation".

(continued in French)

Thus it is an extremely important matter for the international community. We have been making efforts throughout the year; we have not totally succeeded - that is apparent from the Ad Hoc Committee's report - so we are forwarding to the General Assembly the results of our best efforts, and the report, I believe, reflects our successes and our failures. In my view, then, there is an answer: the answer is that the issue is such an important one that we wish to pass it on now rather than waiting to include it in the annual report of the CD to the fifty-first session of the General Assembly. So, for me the answer is one which is to be found in the resolution itself and which is based on the provision which has already been cited, operative paragraph 6, since the General Assembly declares itself prepared to resume its work at the fiftieth session with a view to endorsing the text. But if we cannot, we send them the results of our best efforts - and the Ad Hoc Committee's report, I believe, faithfully reflects the best that we could manage. We are, therefore, within the framework of our rules of procedure and we are not in my opinion doing anything out of the ordinary. It is because the issue is a fundamental one that we want to inform the international community of the results - the admittedly unsatisfactory results - of our work. Now there is, indeed, a question of timing. I think - and without going into the question of precedents, without saying that some people are trying to slow things down or not to slow them down, without going into all those considerations - that we have always approached the question of time-frames with a degree of flexibility and we could do the same today. Now, of course, it is up to everybody to decide whether they wish to subscribe to this reading that I have just suggested, that is, to inform the General Assembly, which represents the entire international community, even those not here in Geneva, of the results of our efforts, which for them are fundamental, and to let them decide what they want to do with them now. That is the reading which I would offer of this text.

Mr. AKRAM (Pakistan): I am sorry to ask for the floor again on this question, but I believe that the decision that we would take on this issue is a vital one for the future of our Conference, notwithstanding the remarks that have been made here in this discussion.

(Mr. Akram, Pakistan)

I would like to clarify Pakistan's approach to this issue. We are proposing the transmission of the report of the Ad Hoc Committee not because we entirely agree with the outcome of the negotiations or even approve them. Our views on that are well known. But we are all aware in this body of the nature of the developments that are likely to follow. And regardless of the contents of the resolution and the rules of procedure, it is to these realities that we must address ourselves and see what is in the best interest of our delegations' views and the interests of this institution which we value.

Our desire in transmitting the report of the Ad Hoc Committee to the General Assembly is to ensure, firstly, that the views that were expressed by my delegation, the proposals we made and the negotiating positions we held, are duly conveyed to the general membership of the United Nations and that they form a part of the negotiating record of this treaty. The second, and, we believe, equally important objective is to ensure that the General Assembly and the negotiating record of this treaty should reflect the role which has been played by the Ad Hoc Committee and by the Conference on Disarmament in the evolution of the draft text of the comprehensive test-ban treaty. This is, we believe, a vital part of the process of establishing and maintaining and preserving the credibility of the Conference on Disarmament.

We hold that we can, of course, enter into a long discussion about the rules of procedure, and I would be the last one to ever seek to enter into an argument on the rules of procedure with my distinguished brother and colleague, the Ambassador of Iran. I would not feel confident in entering into such a discussion on the rules of procedure. But the proposal that we had made is not under rule 43. The proposal we made was a very simple one. It was that the Conference on Disarmament should transmit immediately, I repeat, immediately the report of the Ad Hoc Committee to the United Nations General Assembly for information. That is all. It is not under rule 43. Rule 44 does not apply. It is simply a decision which we have proposed. We believe that we have adopted the report of the Ad Hoc Committee. There is no disagreement on the substance of the report. It is simply a decision to transmit it to the General Assembly. We do not ascribe motives to anybody. We have no motivations other than those we have stated in this intervention.

The PRESIDENT: I thank the distinguished Ambassador of Pakistan for his statement.

As I see the situation now - and I go back to my statement on Tuesday when I said that consultations were needed in order to see whether there was consensus to take action on the report today, 22 August - the discussion we have here makes it perfectly clear that there is no consensus to take action today. Having said that, I am perfectly willing, and I think it might be necessary, to conduct further consultations to see whether action on this issue can be taken at a later stage. I think that, with this statement, we could conclude the discussion or debate on this today. If there is no consensus to take action, I will conduct further consultations in whatever form may be suggested, or I see fit, and then I would like to go to the list of speakers. The United Kingdom has asked for the floor.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): I am sorry to take the floor yet again, but I wonder if we do not really need to resolve this issue, and I would repeat my suggestion that you should formally ask us whether there is consensus to transmit this report, either in the way in which you proposed on Tuesday or in the much simpler way - which, I think, avoids any difficulty over rules 43 and 44 - which has been proposed this morning by the distinguished Ambassador of Pakistan. But really, it does seem, to my delegation at least, that we have better things to do than go on having daily Presidential consultations which lead us nowhere.

While I have the floor, I would just make one comment about rule 44 and, really, ask if anyone is formally insisting that that rule be invoked. If they are, it is my understanding from what the secretariat told us in those informal consultations in the President's office that that would be the precedent. It is not a question of creating a precedent by not applying rule 44, but the precedent would be to apply it. My understanding from the secretariat at those meetings is that that rule has never been applied.

Ms. GHOSE (India): As you will recall, the idea of continuing consultations had been made by me earlier. It is not always that I find what my distinguished colleague from Pakistan says attractive, but I think that what he just read out - I was not able to take it down - is something which we would like to consider if there is time to consider. I would like to do that, if you wish, in this forum or informally or whatever, because what we have been working on is the so-called non-paper which you read out, so let me call it the President's proposal, and that we would have difficulties with. So it is just a query to you, Mr. President, that perhaps, if you wish, you can conclude today by saying that there is no consensus, or you could say that today there is no consensus and we would like to continue our consultations further. My delegation would be prepared to do that.

Mr. ZAHRAN (Egypt) (translated from Arabic): If there is insistence on applying rule 44 of the rules of procedure, the fact is that, as was said earlier, in the five years that I have been here in Geneva representing my country in the Conference on Disarmament that rule has never been applied. In any event, every assembly is master of its own decisions concerning its rules of procedure. So, if the question before the Conference is not one of preparing a report but of transmitting the report of the Ad Hoc Committee on a Nuclear Test Ban to the General Assembly by means of a letter written by you, as I said in my first statement, a letter from the President of the Conference on Disarmament to the President of the General Assembly, there is no need here to invoke rule 44. If the matter can be handled by sending a letter from you to the President of the General Assembly, that could be done very easily. It would be good if the intention here was to inform the General Assembly when it meets in resumed fiftieth session to examine the application of resolution 50/65. We support that.

Mr. ARMSTRONG (New Zealand): Since I have not spoken before under your presidency, Sir, let me first congratulate you on your assumption of the presidency and say that we are, of course, prepared to lend you every support.

(Mr. Armstrong, New Zealand)

I shall be brief. New Zealand shares the view of those who have suggested that we should make every effort to resolve this issue today. We believe that there are solid reasons, which have been advanced in this meeting, to do so. Others, particularly the distinguished Ambassador of Morocco, have indicated that the question is one to which the General Assembly has attached priority. Perhaps we could invite you to take further the proposal which was put forward by Pakistan, which seemed to us to be straightforward and direct, and to avoid some of the difficulties which have been raised in interventions made earlier this morning. Perhaps we might invite you to read out a proposal, either the Pakistan proposal or one akin to it, for a decision that delegations could be in a position to take here today.

The PRESIDENT: I thank the distinguished Ambassador of New Zealand, and before giving the floor to the next speakers on my list on this issue, I call on the distinguished Ambassador of Pakistan to repeat the proposal which he made.

Mr. AKRAM (Pakistan): Our proposal would read as follows: "The Conference on Disarmament decides to transmit immediately the report of its Ad Hoc Committee on a Nuclear Test Ban (CD/1425 and Corr.1) to the United Nations General Assembly". That would be all.

The PRESIDENT: So there is a proposal which has been made by the distinguished Ambassador of Pakistan. Would there be consensus on adopting this short and clear text now? The distinguished representative of Iran has the floor.

Mr. NASSERI (Islamic Republic of Iran): I am compelled to take the floor to respond to the very kind comments by Ambassador Kreid of Austria. He flattered me. They say flattery gets you nowhere, but it does. And I should say that in light of the discussions that have taken place today, I note that there is general support, at least expressed by some delegations, including delegations from my own group, to have a separate way of transmitting this report, aside from the annual report to the General Assembly. I certainly do not rule that out following this debate and discussion. The question remains as to how, precisely, we should do it and, of course, to present that precise formulation, at least as far as I am concerned, to my capital and then be able to come back with a reply. Now, I have a practical problem because what I am being asked is, precisely what lies ahead? I have been trying to collect some information on this basis, but I am not quite clear about it. That is, if we are going to the resumed session of the General Assembly, again, the problem here seems to be the problem of timing. It is a problem for us too. For instance, when are we going to the resumed session? What dates are being suggested? If there is going to be a signing ceremony at some point, what dates are being suggested for that purpose? These are things that could again be a matter for consideration, perhaps more politically, but also logistically. Therefore, I think some consultation is in order so that we can have some of these matters of procedure and further action in a clearer form amongst ourselves. We have not been able to agree on a text, but we should

(Mr. Nasseri, Islamic Republic of Iran)

not rule out that we could agree as to - or at least have an understanding as to - what further action is going to be pursued and followed at the level of the General Assembly and afterwards.

I really think that consultations would be very helpful. It would be very helpful for my own delegation, or at least further information on this will be extremely helpful. Nevertheless, the proposal as just read out by the distinguished Ambassador of Pakistan is one that we could certainly consider, and I would be quite willing to transmit that to my capital for quick consideration.

Now, while I have the floor, I think that, as some questions have been raised about the way we apply the rules of procedure - and those questions have been raised for the record - I think it is in order that we have some clarification on that. Because my impression is that we have not been invoking specific rules of procedure such as 43, 44 and 45 because we have been observing them anyway, since we have not been in a similar situation where some countries are asking for very urgent action that would circumvent those rules of procedure and, again, my recollection is that those rules have been observed, that is, the drafts have usually been prepared - the original draft - by the President with the assistance of the secretariat two weeks in advance or beyond. I believe a clarification on that for the record is perhaps something that is relevant and in order, as this will set a precedent for the future of our work.

The PRESIDENT: I thank the distinguished Ambassador of Iran for his statement. I think the situation now seems to be very clear. There is obviously no consensus on any decision to be taken today on the issue of further action concerning the Ad Hoc Committee. I think we can decide that we take no action on this today. So, my suggestion is to close the debate and say that further consultations may be required as there is a proposal on a text. And now I go back to the list of speakers. I have Morocco, Argentina, Pakistan and Romania. The Ambassador of Morocco has the floor.

Mr. BENJELLOUN-TOUIMI (Morocco) (translated from French): I just wanted to ask you to give us an opportunity to make one or two comments before summing up the discussion and proposing a decision. My proposal is as follows. I believe that the preference of the overwhelming majority would be to take a decision today, as you yourself stressed. There is no consensus on that and I respect the point of view of those delegations which do not agree. But, in a spirit of compromise, and also to enable us to fulfil our mission as we see it, perhaps I could propose that the consultations which you intend to conduct at the request of my brother from Iran and the Ambassador of India - that today you set the date of the next plenary, which would not be Thursday, but this afternoon or at the latest tomorrow, so that a decision can be taken. That would enable those who need instructions from their capitals to tell their capitals that the decision is going to be taken on such-and-such a day, on such-and-such a date. That way things would be very clear among us and we would be able to take decisions with the agreement of our capitals.

Mr. SANCHEZ ARNAU (Argentina) (translated from Spanish): Despite the nature of the debate in which we are engaged, allow me to express the satisfaction of the Argentine delegation at seeing you presiding over our discussions, Mr. President.

In the same spirit as the Moroccan delegation, we wish to take the floor to request that we take a decision on our next meeting and on the way we are going to conduct the consultations which seem necessary in order to clarify a number of what I would call secondary aspects of a virtually obvious decision that the Conference has to take.

We have been working for two years now on preparing a draft treaty. We believe we now have a text which reflects the best that could be obtained following so many efforts and delicate discussions. We believe that the Chairman of the Ad Hoc Committee, Ambassador Ramaker, has made the best possible effort to achieve a text reflecting what it is possible to agree on in the Conference at this time. And we believe that we are not in a position politically speaking to continue delaying the decision to transmit a report that we have already adopted to a General Assembly which has requested us to send it such a report. We have the impression that we cannot continue going round indefinitely in circles without taking a decision on the subject.

We have before us a draft which you submitted to us after consultations and after announcing that we were to adopt a decision on this subject today. My delegation, like so many others which have spoken today, came in a position to take a decision in this respect and we were willing to go along with the draft decision which you have presented. With a view to avoiding some objections, the representative of Pakistan has put before us another, simpler draft decision, and we are likewise prepared to go along with that. The delegation of Iran seemingly needs some more time so that it can get instructions from its capital and perhaps also be able to go along with the decision proposed by Pakistan today.

Consequently, Mr. President, like the Moroccan delegation, and in order to satisfy what we believe is a growing demand not merely among the majority of the members of the Conference but in the international community for us to transmit the report to the General Assembly as soon as possible, we would request that we schedule a further meeting of the plenary for, at the latest, tomorrow or Monday and that we give time in the interim for the delegations which do not yet have instructions to get them and for you and the secretariat to respond to a number of questions that have been raised which, we think, do not require a reply closely linked to the adoption of the decision that has to be taken here, namely to transmit as soon as possible a report that we have already adopted.

The PRESIDENT: I thank the distinguished Ambassador of Argentina. In order to advance, before giving the floor to the speakers on my list, I would suggest, and after consultation with the secretariat, that there is a possibility of having informal consultations with interested delegations this

(The President)

afternoon at 3 p.m. in room I. If consensus emerges then, we can have a plenary meeting tomorrow at 10 a.m. here in this room. If this proposal is acceptable, we can decide to have informal consultations this afternoon at 3 p.m. in room I. The Ambassador of Romania has the floor.

Mr. NEAGU (Romania): My words of congratulations are reserved for the next meeting, when we shall, I hope, have a better opportunity, and I do not want to delay the proceedings of this session.

Two days ago, under your presidency, we took a decision, and, as you recalled at the beginning of our meeting, we are supposed to decide today upon the course of action with respect to the report of the Ad Hoc Committee, and we were supposed today to have instructions from our capitals with respect to this decision. My delegation has received such instructions in due time.

In order to simplify even further the debate today, the delegation of Pakistan presented us with a very simple text which is to the point and which my delegation appreciates and is ready to adopt. I would also agree that we are not under rule 43 but have business as usual, and we have a proposal before us, and we have to take a decision on it. My understanding is that we still have resources here to have such a decision this morning.

And a final point, with respect to the business of the General Assembly of the United Nations, I do not think that it is our business to discuss the schedule of the General Assembly. It is the right of the membership of the United Nations to see to the schedule of the session of the General Assembly of the United Nations.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): I wondered if I might ask you whether you intended to fix the date for the next plenary meeting before a decision is taken on whether to hold further consultations. It was my understanding from the advice we were given by the secretariat that a decision had to be taken on this matter this week at the very latest, preferably today, but I suppose possibly tomorrow, since otherwise, even if agreement were reached on sending a report, it could not be processed in time for it to be considered by the General Assembly, if the General Assembly wished to consider it, before the end of the fiftieth session. And so I think my delegation, at any rate, would find it difficult to agree to further consultations unless we had some assurance that there was a meeting scheduled within this time-scale. Having said that of course, I have no confidence that we would actually take a decision, since you told us on Tuesday we would take a decision today and we have not.

Mr. AKRAM (Pakistan): I believe that we have had an interesting discussion and that we are confident that, with a little further work, we could reach a consensus on this matter. I am grateful to both our colleagues from Iran and from India for the indications of a readiness to consider the proposal that we had put forward. I must add here to Ambassador Ghose that it is not always that we find Indian statements unattractive, but we appreciate the indications of flexibility. We hope that you will be able to hold consultations soon and my delegation, for one, not only for the weighty

(Mr. Akram, Pakistan)

reasons cited by Ambassador Weston, but for even more personal reasons, hopes that the decision could be taken today, if possible, but if not, we hope we will be able to reach a decision by tomorrow morning. So, I would suggest that we hold consultations as soon as possible in order to try and reach a consensus on this matter.

The PRESIDENT: I thank the distinguished Ambassador of Pakistan. I would like now to give the floor to the distinguished Ambassador of Belgium and then the Chair will rule on this matter in order not to prolong it.

Baron GUILLAUME (Belgium) (translated from French): Mr. President, like others, I will save my congratulations for another occasion. I would just like to refer to the proposal you made a few minutes ago, which seems to go towards meeting the wishes of certain delegations that want a little more time for additional consultations. You proposed holding a meeting today at 3 p.m. I think that is a very good idea. You said that if there were consensus at that meeting, we would meet in plenary afterwards to take note of that. I think that at this stage we also have to be consistent with what you said two days ago, namely that we would take the decision today. Instead of holding the plenary tomorrow, I would propose that we hold it at the end of the day today.

The PRESIDENT: After listening carefully to all that has been said and all the proposals which have been made here, I would like to conclude this debate by saying that it appears that further consultations are still required in order to reach agreement on the course of action to be taken with regard to the report of the Ad Hoc Committee on a Nuclear Test Ban, to enable the Conference to reach a decision at the next meeting on Friday, 23 August, at 10 a.m. in this room. Before that, we could have consultations in room I this afternoon at 3 p.m.

Iran has asked for the floor.

Mr. NASSERI (Islamic Republic of Iran): They say in the West "never on Sundays". In our part of the world, we say "never on Fridays". But, seriously, apparently a decision or a statement that you made at the last plenary, when you stated that at the next plenary we would take a decision on the course of action, has been interpreted as making a decision on a specific proposal which was not even presented to us in the proper form. You, Sir, as you have said, stated that the Conference would take a decision on the course of action. Now, that course of action could, we have realized today, be varied. On the basic principle that there would be a special, a separate information provided to the General Assembly, as I suggested, I have noted that there is support, including from members of my own group, the Group of 21. Now, I am prepared to come to the consultations, but please, I do not wish to be interpreted as coming back with instructions on Friday at a plenary meeting. I think I can say further that the intention is certainly not to prolong this and have a delayed decision on this. I believe that would serve no purpose at all, but we have to consider the practicalities of this.

(Mr. Nasseri, Islamic Republic of Iran)

Ambassador Weston has mentioned some of the things that he has been informed of through the secretariat, for instance, that two weeks are required for processing these papers and this report. That I cannot quite understand because this report exists, it has been adopted. I do not know how much further processing needs to be done that would require, really, two weeks from an able secretariat as the one that we have. In any sense, this is information that is not clear to us. I think this whole matter can be discussed during the consultations. There is good will, there is a genuine intention to move forward on this, but it will be difficult to make very firm commitments, and certainly my delegation is not in a position to do so for any specific timing at a plenary where there is a move to take a final decision. I cannot commit myself to that at this stage.

May I also renew my query, and to this end, I will repeat this question to the Secretary-General of the Conference. Again, it was stated on the record that it is not the way we do things to apply the rules of procedure that we have set out for our work. It has been on the record, so I would really appreciate clarification, and I request clarification from the Secretary-General on that. Have we been observing the rules of procedure, including rules 43, 44 and 45 - not invoking - have we been observing them, at least in general, or have we been always acting contrary to that?

Mr. LEDOGAR (United States of America): I, too, will defer my gratitude. Colleagues around this table will recall the efforts in the Ad Hoc Committee on a Nuclear Test Ban to pull together the report in question, including four very difficult hours spent late one evening drafting the final two sentences of that report - sentences which, in effect, simply say that we all agreed that we could not agree on the Ramaker text. My delegation made important concessions in the effort to achieve the resulting Committee report, in the belief that we were all working urgently to satisfy a deadline the international community had set and a deadline that the Conference on Disarmament had accepted. Now, this is a matter of good faith. We were not, I repeat, we were not working on a routine, year-end Ad Hoc Committee report and last Tuesday we did not adopt a routine, year-end Ad Hoc Committee report. In other words, if this report is killed today by unprecedented procedural manoeuvring, it is dead and with it the statements, the national statements contained therein. Rule 44 concerns draft reports. We have before us a final report. I would like to know before there is an attempt to conclude that we have no consensus whether or not there is a consensus that rule 44 applies, and whether or not it has been formally invoked, and once that is disposed of, I would like to hear, now, the proposition of Pakistan formally put before us by you. Time is of the essence, because we have accepted a deadline the international community has set. So to push this over to next week as we have just heard proposed, or vaguely into next week at some time, is just not acceptable. It is all over, and the Conference on Disarmament will bear the consequences, if we not only veto the substance of two and a half years' work, but also veto an expression that simply says "we couldn't agree".

The PRESIDENT: I thank the distinguished Ambassador of the United States. The question was asked whether any delegation is willing to formally invoke rule 44. Iran has the floor.

Mr. NASSERI (Islamic Republic of Iran): In accordance with the text that has been circulated, again, without any proper format, no date, no working paper number or otherwise, and not clear as to whose proposal this is, there has been a reference to rule 43. If rule 43 is invoked, it follows automatically that rules 44 and 45 that relate to the same issue would also be invoked. Nevertheless, we have noted that there have been some suggestions today, including that by the Ambassador of Pakistan or that by the Ambassador of Morocco, that rule 43 does not necessarily apply - we have to examine that - but that the proposed action does not necessarily invoke rule 43. And in that light, in the light of those proposals, it is likely that rules 44 and 45 would not have to be invoked either.

The PRESIDENT: So, I was requested to put before the Conference the proposal just made orally by the distinguished Ambassador of Pakistan, which, according to my notes, reads as follows:

> "The Conference on Disarmament decides to transmit immediately the report of its Ad Hoc Committee on a Nuclear Test Ban (CD/1425 and Corr.1) to the United Nations General Assembly."

That is the proposal which has been made by the distinguished Ambassador of Pakistan which I put before the Conference. Has everybody taken note of the text? I will repeat it:

> "The Conference on Disarmament decides to transmit immediately the report of its Ad Hoc Committee on a Nuclear Test Ban (CD/1425 and Corr.1) to the United Nations General Assembly."

The distinguished Ambassador of India has the floor.

Ms. GHOSE (India): We could, of course, take this up at the informal consultations, but what I had taken down - perhaps I was a little hasty in doing that - was that the proposal ended with two more words, "for information". I am not sure. Was that in the proposal, or maybe we could discuss this this afternoon?

Mr. BENJELLOUN-TOUIMI (Morocco) (translated from French): I am very sorry to be taking the floor again. I believe that an even simpler proposal is needed. Might you not schedule a plenary for this afternoon to take a decision on Pakistan's proposal? You schedule the plenary for 5 p.m. and call us together at 3 p.m. to clarify what can be clarified and for us to be able to inform our capitals that we shall be taking a decision at 5 p.m. on the matter and I think we can break off the debate on this proposal right now.

The PRESIDENT (translated from French): My thanks to the Ambassador of Morocco. I believe that this proposal will enable us to resolve the problem. So, we shall decide to resume the plenary meeting of the Conference on Disarmament at 5 p.m. in this same room and at 3 p.m. we can conduct informal consultations on the basis of the proposal by Pakistan that I have just put before you.

It was so decided.

Mr. NASSERI (Islamic Republic of Iran): You have just taken a decision to resume the session this afternoon following the informal consultations. I understand that the purpose of this would be perhaps to inform the plenary of the results of the informal consultations if there are any or, otherwise, we will probably convene another meeting. However, if we are going to take a decision, I would then appreciate it if you would find a way of communicating the results of the consultations to Tehran, on a holiday, and receiving a reply before 5 o'clock as well. I do not think I have that possibility, Sir.

The PRESIDENT: I thank the distinguished Ambassador of Iran. So now we can go to the list of speakers for today's meeting, and I have on my list representatives of the Russian Federation, the Syrian Arab Republic, China, Australia, Ireland and Germany. I call now on the distinguished Ambassador of the Russian Federation to deliver his statement.

Mr. BERDENNIKOV (Russian Federation) (translated from Russian): First of all, Sir, allow me to convey to you the congratulations of the Russian delegation on your accession to the post of President of the Conference on Disarmament and to wish you luck and every success in your activities at such a crucial time for our forum. You can count on our support and cooperation.

The negotiations on the text of a CTBT, which had been going on for quite some time, are now over. We have a draft treaty which, although it was tabled on behalf of the Chairman of the Ad Hoc Committee on an NTB, is the result of the collective efforts of the participants in the negotiations.

The fact that this is a compromise text and that it does not reflect the position of any one delegation or group of delegations is shown by, in particular, the provision in the Ad Hoc Committee's report to the effect that none of the delegations of the countries that support this draft was able to declare itself fully satisfied with its contents. This is normal, this is the essence of compromise: nobody is fully satisfied, but the overwhelming majority is able not to object to the text. We regret that not all members of the Conference on Disarmament were able to take such a reasonable compromise stand. That is all the more regrettable as the treaty has, we are profoundly convinced, significant objective positive features that any unbiased observer could hardly deny.

First, this treaty frees humanity for ever from nuclear explosions in any environment. Second, the treaty will make an effective contribution to the strengthening of the nuclear non-proliferation regime. It represents the implementation by the parties to the NPT of the decision by the Conference for the Review and Extension of the Treaty on the Non-Proliferation of Nuclear Weapons, which, as we know, called for the completion of negotiations on a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty no later than 1996. This treaty will, we are certain, make the spread of nuclear weapons over the planet still more difficult. Third, the comprehensive and thresholdless ban on all nuclear explosions will undoubtedly serve as an effective brake on the qualitative improvement of nuclear charges, and will prevent the appearance in arsenals of new types of nuclear charges as well as nuclear weapons based on new physical principles.

(Mr. Berdennikov, Russian Federation)

Fourth, the CTBT will become a new point of departure, an effective stimulus to the continuation of the negotiating process aimed at the further reduction of nuclear armaments to the point of ultimate complete elimination. We are certain that the CTBT is a necessary stage on this road, one without which we cannot hope to achieve even more far-reaching agreements. If anyone believes that it is possible to combine movement towards the ultimate goal of the elimination of nuclear weapons with their appearance in more and more States, they are, in our view, wrong.

In view of the foregoing, the Russian delegation regrets that the Conference on Disarmament was not able to approve the treaty text tabled by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, and contained in document CD/NTB/WP.330/Rev.2, and to forward it to the United Nations General Assembly. I wish to make clear that the delegation of the Russian Federation supports this treaty text as it is. I also wish to make clear that the Russian delegation has carefully considered the continuing difficulties which some other delegations have with this treaty text, but has reached the firm conclusion that further negotiations or attempts to amend the text will not bring us closer to a consensus. On the contrary, the Russian delegation believes that the text contained in document CD/NTB/WP.330/Rev.2 offers the only possibility of achieving a comprehensive nuclear-test-ban treaty at this time. We call on those delegations which have not yet done so to join us in support of this text.

The PRESIDENT: I thank the distinguished Ambassador of the Russian Federation for his statement and kind words addressed to the Chair, and I now give the floor to the distinguished representative of the Syrian Arab Republic.

Mr. KHOURY (Syrian Arab Republic) (translated from Arabic): Mr. President, I would first like to extend our congratulations to you and say how pleased we are to see you presiding over this meeting.

Although the draft comprehensive nuclear-test-ban treaty presented by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban in document CD/NTB/WP.330/Rev.2 has not secured agreement and is not contained in the report by the Chairman of the Ad Hoc Committee to the Conference, our delegation would like to reaffirm our position with respect to annex 1 attached to article II, paragraph 28 of the draft treaty. This concerns geographical distribution among States. A number of delegations have expressed opposition to this distribution. We consider that this distribution or breakdown is contrary to all the customs and practices applied within the United Nations. It was imposed on the Ad Hoc Committee without consultation with, or approval by, the States concerned in the Middle East and South Asia region. It does not contain the possibility for cooperation, coordination, consultation or deliberations among those States either. We would mention that Israel continues to develop its military arsenal, in particular a nuclear arsenal, thus threatening security in the region, and refuses to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons or to submit its nuclear facilities to International Atomic Energy Agency supervision. Similarly, Israel does not respect international law or legality and instead impedes the

(Mr. Khoury, Syrian Arab Republic)

establishment of a just and lasting peace in the Middle East. For all these reasons our delegation is opposed to Israel's inclusion in the Middle East and South Asia group. We will reaffirm this position if the draft treaty is submitted for consideration in any international forum. We request that our statement be included in full in the record of this meeting and in any report transmitted by the Conference on Disarmament to the General Assembly.

The PRESIDENT: I thank the distinguished representative of the Syrian Arab Republic for his statement and the kind words he addressed to the Chair. I give now the floor to the distinguished representative of China, Ambassador Sha.

Mr. SHA (China) (translated from Chinese): Sir, it gives the Chinese delegation great pleasure to see you presiding over the CD at such an unusual time. We are confident that your experience and diplomatic skill will not fail to help you live up to the expectations of the member States and that work in the CD will proceed smoothly under your presidency. Here I would also like to thank your distinguished predecessor, Ambassador Urrutia of Peru, and express our deep appreciation for the work which he accomplished during the final stage of the negotiations on the CTBT here in the CD.

At a moment like this I would like to pay a special tribute to the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Jaap Ramaker of the Netherlands. As the Chairman of the Ad Hoc Committee, Mr. Ramaker contributed in a significant way to the progress of the negotiations on the CTBT. Besides expressing our heartfelt thanks to him, we would also like to convey to Mr. Ramaker our highest esteem for the patience, the sense of commitment, the zeal and the consummate diplomatic skill which he demonstrated in presiding over the negotiations. We also appreciated deeply the excellent cooperation which Mr. Ramaker extended to the Chinese delegation throughout the negotiations. The Chinese delegation would like to express the conviction that history will not forget the contributions made by Mr. Ramaker and the Netherlands delegation to the CTBT.

Here, I would also like to express my thanks to the other officials, among them the Chairman of Working Group 1, Ambassador Berdennikov of the Russian Federation; the Chairman of Working Group 2, Ambassador Zahran of Egypt; and the other Friends of the Chair and moderators. I thank each and every one of them for their important contributions to the treaty. The seasoned diplomatic skill which they brought to bear in presiding over their meetings during the session benefited all of us in no small measure.

I would also like to express my thanks to you, Mr. President, to the former Ambassador of Mexico, Mr. Marín Bosch, Ambassador Hoffmann of Germany, Ambassador Norberg of Sweden, and all those who have made important contributions to the negotiation of the treaty since 1994. It was you who laid a sound basis for the final stage of the work on the treaty. Since Mr. Marín Bosch is no longer with us, we would like to convey to him through the Mexican delegation our thanks and appreciation. Finally, I would also like to thank the Personal Representative of the Secretary-General and Secretary-General of the CD, Mr. Petrovsky, the Deputy Secretary-General,

(Mr. Sha, China)

Mr. Bensmail, and the other officers of the secretariat, the interpreters and the translators. Thanks to your hard work and untiring support, the Conference proceeded in a smooth and orderly manner.

China has always held that a comprehensive ban on nuclear testing is a significant step towards the complete prohibition and thorough destruction of nuclear weapons. We believe firmly that the conclusion of the CTBT will contribute to nuclear disarmament and nuclear non-proliferation. We certainly understand that the CTBT will have a direct impact on the security of all States, especially that of China. However, for the purpose of facilitating the realization of the above-mentioned objectives, the Chinese delegation, under the instructions of its Government, participated in the negotiations in a positive, serious and responsible manner, and showed flexibility and compromise on almost all the key provisions of this treaty text.

Although the draft treaty text contained in CD/NTB/WP.330/Rev.2 does not totally satisfy us and does not cover all the concerns of many developing countries, including those of China, the Chinese delegation believes that the current treaty text represents the achievable result of negotiations in the past two and a half years, and that by and large it reflects objectively the state of negotiations and is balanced in general.

The NTB Ad Hoc Committee Chairman, Ambassador Jaap Ramaker of the Netherlands, concluded in his report to the Ad Hoc Committee that under the present circumstances substantive work on the draft treaty had resulted in the best attainable outcome. Having considered all the related aspects, the Chinese delegation is prepared to accept his conclusion.

We understand that some delegations still have difficulties with this treaty text. Their difficulties should have been resolved through continued negotiations or consultations. However, in the light of the time-line set for us by United Nations General Assembly resolution 50/65, adopted without a vote on 12 December 1995, and proceeding from the reality we all face, it is the belief of my delegation that continued negotiation on or amendment of this treaty text does not seem to be very practical. Should negotiations be reopened, the intricate and fragile balance of the current treaty provisions might be destroyed. In such a case, there would be little chance to restore the balance and to reach a consensus within a short period of time. Worse still, should the situation be mishandled or affected by certain developments in the international situation, we might even be pushed further away from the prospect of a CTBT which has been long cherished by the international community.

Proceeding from these considerations, my delegation, though not totally satisfied with the treaty text, supports this text as it is and regrets that the CD was not able to approve this treaty text and forward it to the United Nations General Assembly for endorsement.

(Mr. Sha, China)

My delegation has all along hoped that a fair and reasonable CTBT would be ready and open for signature before the end of this year. We are convinced that all the efforts of the CD and the international community for the conclusion of a CTBT will not have been in vain.

Lastly, I would like on behalf of the Chinese delegation to thank all the different parties for their cooperation with the Chinese delegation during the negotiations.

The PRESIDENT: I thank the distinguished Ambassador of China for his statement and his kind words to the Chair. I now call on Ambassador Starr, the distinguished representative of Australia.

Mr. STARR (Australia): Earlier this morning, I sought to accelerate the progress of this Conference's report, the report of the Ad Hoc Committee to the international community. I did so, as I said, because I believe the international community deserved to have before it, urgently, the outcome of the Ad Hoc Committee's work, which was non-consensus. What we must not overlook, what no delegation here can overlook, in what was a most interesting procedural debate on rules 43, 44, 45 and whatever else, what we cannot overlook is the fact that that report did not contain the text of a treaty. It was a report shorn of that text. It was a report that registered non-consensus, despite our belief that the overwhelming majority of delegations in the Ad Hoc Committee were prepared to accept that text despite perceptions of imperfections.

My delegation is pleased that you are going to continue consultations on the report of the Ad Hoc Committee which was endorsed here and which is now a question of a very simple sentence of transmission. You may be able to reach agreement this afternoon, or holidays may intervene. You may be able to reach a decision tomorrow or Monday, but the weekend may intervene. But no matter how long and how successful your efforts, this Conference and the Ad Hoc Committee which has been convened year after year will not be able to transmit the text of the treaty which has been developed over years and which carries the expectations of decades.

It was with the deepest regret that my delegation was forced to recognize the fact - and it is a fact - that the achievement of the Ad Hoc Committee, that is the draft treaty text, will not be formally advanced through this Conference to the wider, waiting, community. Although warned of the possibility of a veto by one member State of the Conference, we continued to hope that through accommodation and reassurance, that member would have found itself able to make the choice to allow the treaty text to move unimpeded through the Conference on Disarmament and on to the General Assembly, even while retaining reservations about the substance of the text. Many of us have expressed our views on the entry-into-force provision which is the cause of this veto. Whatever its limitations, it is simply not accurate to suggest that it is illegal or coercive. It implies no international legal obligation on any State to sign or ratify the treaty. The entry-into-force provision is

(Mr. Starr, Australia)

merely mechanical, setting out the preconditions of the treaty's entry into operation. In each case, the timing of signature will inevitably be judged by the State in question in accordance with its national requirements.

To focus, and continue focusing, on the heart of the problem and the heart of our work and the heart of our achievement, throughout almost three years of negotiation, all delegations have worked hard to secure solutions that represented a balance between the diverse views of participants in the negotiations. In our view, the treaty meets the requirements of the mandate. Any extension to the reach of the treaty's aspirations, or its scope, were not achievable negotiating objectives at this point in history. In the view of Australia and many others, the text of the treaty is as reasonable a compromise as was possible for us to achieve. Extra time spent on negotiations now would threaten its very existence. Any attempt to reopen the draft brings with it the certainty of its unravelling - and a slow, dispiriting drain of the political effort and support that has fuelled these negotiations.

What we have after 40 years of intention and expectation and 2 years or more of intense negotiation is a valuable instrument. It is composed of serious compromises and commitments. Further, like the Chemical Weapons Convention, this treaty is evidence of substantial achievement by the Conference on Disarmament - especially important after the underachievement foisted upon this Conference and its predecessors during the cold war. This treaty will impose, for the first time, constraints on the qualitative improvement of nuclear weapons and bring the nuclear arms race to a definitive end. It will make a key contribution to the programme of action on non-proliferation and disarmament agreed at the NPT Review and Extension Conference. It is a crucial step in the process towards complete nuclear disarmament. A concluded treaty will make it possible to tackle authoritatively the next important step towards this goal.

The Ad Hoc Committee's work on this treaty is finished. Ambassador Marín Bosch of Mexico, its most distinguished first Chairman, hoped to complete a treaty text of this scope and along these lines by 1994. Australia joined with many other delegations in working for, and hoping for, completion of the negotiations in 1995 under your most distinguished leadership. In the event, the negotiations concluded under the chairmanship of your successor, Ambassador Jaap Ramaker, and I pay great respect to his tireless, dedicated efforts. In fact, the tireless and dedicated efforts of all of the Chairmen of the Ad Hoc Committee have earned you honoured places in the history of this achievement.

We have a workable treaty. All of the debates about procedure, all of the debates about whether or not we have to sign it or not, do not obscure the fact that we have with us a workable treaty, and we have a commitment by the five nuclear-weapon States to endorse and sign it. I ask you to consider that achievement, an achievement that we have sought and yearned for for years. We have worked for this situation for years and years and years. We cannot give up. The opportunity is here and now. It will not last. We must grasp it or lose it, and with it the whole critical step forward towards nuclear

(Mr. Starr, Australia)

disarmament. We should not, indeed must not avoid this responsibility. It is in the interests of this Conference that, given this paralysis, its work be taken to the broader international community, recognized and endorsed. Accordingly, Australia will be looking to work with friends of the CTBT to fulfil the goal of the fiftieth General Assembly of a completed text, endorsed and ready for signature by the fifty-first Assembly this year.

The PRESIDENT: I thank the distinguished Ambassador of Australia for his statement and his kind words to the Chair and to me personally. I now give the floor to the distinguished Ambassador of Ireland, Madame Anderson.

Mrs. ANDERSON (Ireland): Mr. President, let me first offer my warm congratulations on your assumption of office and also my heartfelt good wishes to you at this difficult time.

Speaking in my national capacity and as representative of the Presidency in Office of the Council of the European Union, I would like to inform the Conference of a declaration by the Presidency, on behalf of the Union, which was issued yesterday in Dublin and Brussels. The EFTA (European Free Trade Association) countries members of the EEA (European Economic Agreement), the Central and Eastern European countries associated with the European Union (EU), and the associated countries, Cyprus and Malta, have aligned themselves with this declaration. The text of the declaration, which is quite brief, is as follows:

> "In its statement of 7 August, the European Union urged all countries participating in the negotiation of a comprehensive test-ban treaty in Geneva to accept and adopt the draft treaty text presented on 28 June by the Chairman of the Ad Hoc Committee of the Conference on Disarmament. The draft treaty text represents the outcome of two and a half years of intensive negotiations and embodies a large number of delicate and balanced compromises. In the EU view, it offers an historic opportunity of having a treaty which bans all nuclear-test explosions for all time. Proceedings in Geneva must reflect the sense of urgency felt by the international community. The EU believes that further urgent efforts must now be made to ensure that the draft text is adopted and opened for signature within the agreed timetable."

Mr. HOFFMANN (Germany): As it is the first time that I take the floor under your presidency, let me congratulate you on the assumption of this demanding responsibility. I am confident, Mr. President, that you will guide us successfully through this important phase in our deliberations.

On 27 July 1996, the Minister for Foreign Affairs of the Federal Republic of Germany, Dr. Klaus Kinkel, issued a statement on the draft comprehensive test-ban treaty and the Minister stated:

> "The early conclusion of a comprehensive test-ban treaty this year is one of the foremost objectives of German security, arms control and non-proliferation policy. It is our aim to submit to the General Assembly of the United Nations as of fall this year a negotiated

(Mr. Hoffmann, Germany)

> final version of a universal CTBT with unlimited duration. The treaty shall ban all nuclear explosions without any exception. The present draft treaty is a result of intensive negotiations that have been in progress since the beginning of 1994. It represents a balanced compromise achieved in the Geneva Conference on Disarmament."

Germany regrets that the Ad Hoc Committee on a Nuclear Test Ban did not find consensus on the draft nuclear-test-ban treaty. Germany supports the Ramaker draft treaty and is convinced that it should be forwarded to the United Nations General Assembly. Germany appeals to all States to work towards the endorsement of the draft comprehensive test-ban treaty by the United Nations General Assembly and the early opening for signature of the treaty as called for by last year's United Nations CTBT resolution.

Although the work of the Ad Hoc Committee on a Nuclear Test Ban is not yet concluded, I would like to take this opportunity to thank Ambassador Ramaker, the Chairman of this Ad Hoc Committee, for his untiring efforts to bring about a draft treaty most of us want to sign at the outset of the fifty-first United Nations General Assembly.

The PRESIDENT: I thank the distinguished Ambassador of Germany for his statement and his kind words to the Chair. I now give the floor to Ambassador Neagu, the distinguished representative of Romania.

Mr. NEAGU (Romania): Let me first of all congratulate you, the distinguished representative of Poland, a country with which Romania enjoys a warm tradition of friendly relations, on your assumption of the presidency of the Conference on Disarmament. I am confident that your outstanding diplomatic skills and experience will be of the greatest help in discharging the special responsibility now entrusted to the President of the last part of the 1996 session of the Conference on Disarmament, who is asked to report to the General Assembly of the United Nations on the results of our work so far. I would also like to express my appreciation for the diplomatic skills and perseverance of your predecessor, Ambassador Urrutia of Peru, who brought us nearer to the fulfilment of the objectives set forth for this session of the Conference on Disarmament.

My delegation joins those delegations which have expressed their regret at the failure to reach the necessary consensus on a decision to transmit the text of the comprehensive test-ban treaty to the CD or to the United Nations General Assembly, in view of the commitments undertaken at the last session of the General Assembly.

Like every negotiating process and, in particular, when States are dealing with complex issues inextricably related to their security, the CTBT negotiations have proved to be very difficult, asking for the highest degree of responsibility from each and every participating delegation. The considered opinion of the Romanian delegation, as I have already had the opportunity to state, is that the compromise solutions put forward by Ambassador Ramaker of the Netherlands, the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, on various aspects under discussion are fair, reflecting

(Mr. Neagu, Romania)

the utmost consideration for all the positions expressed during the negotiations. Now it is imperatively necessary that every delegation finds their required resources of good will to appreciate the concessions made by other delegations and, above all, the prevailing feature of the goal we have all agreed upon, that is, to get rid of nuclear explosions.

I would like to congratulate those delegations which have been participating directly in the elaboration of the final compromise text on the number of votes required for the approval of an on-site inspection. We can understand those delegations which still have specific opinions about one or another compromise solution, because our own delegation has such specific opinions. But we also share the view that, in order to have an agreement, it is necessary for all of us to show a spirit of compromise. As was stressed here on various occasions, the present text is the maximum we could achieve and, deeply convinced of that, my delegation, together with the other 38 delegations, insisted that the treaty be transmitted in due form to the United Nations General Assembly so that it could be opened for signature at the beginning of the fifty-first session of the United Nations General Assembly.

Now, if this is no longer possible, that is, to forward the text of the draft treaty to the General Assembly of the United Nations on behalf of the Conference on Disarmament, it is up to the international community to see that this product of ours is not lost. Nevertheless we hope that the General Assembly will be able to adopt and open for signature at the beginning of its next session in September the draft treaty that we have elaborated at this Conference.

The PRESIDENT: I thank the distinguished Ambassador of Romania for his statement and his kind words to the Chair. The next speaker on my list is the distinguished representative of Sweden, Mr. Ekwall.

Mr. EKWALL (Sweden): First of all, Mr. President, allow me to warmly congratulate you on the assumption of the presidency of the Conference at this crucial juncture of our work. I can assure you of my delegation's full support in your duties.

On 28 June, the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Jaap Ramaker of the Netherlands, presented the draft text of a comprehensive nuclear-test-ban treaty. Sweden was among the very first countries to give this proposal its full support. On the day it was presented, the Swedish Mister for Foreign Affairs, Mrs. Lena Hjelm-Wallén, made a statement in which she urged all States to accept the Chairman's text. Since then, the Chairman has carried out intensive consultations with delegations with a view to reaching final agreement on the draft treaty. As a result, the Chairman proposed certain modifications. Sweden expressed her support also for these.

The proposed treaty reflects the outcome of a negotiating process in which many different views and concerns have been expressed. It might not reflect all our preferred national positions. But it is, indeed, an

(Mr. Ekwall, Sweden)

acceptable text and, as Ambassador Ramaker stated in the conclusions from his consultations, "the best attainable outcome". It deserves the support of all of us. The Swedish delegation very much regrets that the Conference has not been able to reach consensus either on the treaty text or on its transmission to the United Nations General Assembly. Sweden is strongly committed to the realization of the CTBT and will continue her efforts in order to achieve this objective. We express our strong hope that the treaty will be opened for signature very soon and that it will receive the widest support. The international community must seize this historic opportunity to achieve this important step towards a nuclear-weapon-free world.

The PRESIDENT: I thank the distinguished representative of Sweden. I have just been informed that we can go on with this session until 1.15 p.m. and I have still five speakers on my list. I now give the floor to the distinguished representative of the United Kingdom, Sir Michael Weston.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): Mr. President, finally, let me congratulate you formally and warmly on your assumption of the presidency of the Conference. My delegation looks forward to working with you.

On 26 July, my Prime Minister put on record the British Government's firm support for the swift agreement of a comprehensive test-ban treaty, and the belief that the text tabled on 28 June by the NTB Ad Hoc Committee Chairman, Ambassador Ramaker, offered the best prospect for this. Mr. Major urged all those involved in the negotiations to give Ambassador Ramaker's text their full support when the Conference on Disarmament resumed on 29 July.

The United Kingdom regrets that the Conference on Disarmament was not able to approve the treaty text tabled by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, and contained in CD/NTB/WP.330/Rev.2, and to forward it to the United Nations General Assembly. I wish to make clear that the United Kingdom supports this treaty text as it is. I also wish to make clear that the United Kingdom has carefully considered the continuing difficulties which some others have with the treaty text, but has reached the firm conclusion that further negotiations or attempts to amend the text will not bring us closer to a consensus. On the contrary, the United Kingdom believes that the text in CD/NTB/WP.330/Rev.2 offers the only possibility of achieving a comprehensive nuclear-test-ban treaty at this time. We call on all those delegations which have not yet done so to join with us in support of this text.

The PRESIDENT: I thank the distinguished Ambassador of the United Kingdom for his statement and the kind words he addressed to the Chair. The next speaker on my list is the distinguished representative of Israel.

Mr. LAMDAN (Israel): It is a pleasure for us to see you, Sir, in the Chair at this critical juncture of the CD's work, your diplomatic skills having been amply demonstrated last year as Chairman of the Ad Hoc Committee on an NTB. We should also congratulate your predecessor, Ambassador Urrutia, on his stewardship of the CD last month.

(Mr. Lamdan, Israel)

The delegation of Israel, like the majority of the members of the CD, supports the draft treaty text in CD/NTB/WP.330/Rev.2. Israel considers that the treaty text should have been approved here by the Conference on Disarmament and transmitted to the United Nations General Assembly for its adoption. We hold our position despite the imperfections of the text, which does not adequately address some of our main concerns, especially as regards the conduct of on-site inspections. We hold our position because we see in the text a major step forward and the best attainable outcome after two and a half years of serious negotiations, in which we have taken an active part. We would have wished, therefore, that the CD could have rallied around the text in a spirit of compromise as we urged in the Ad Hoc Committee on 29 July 1996. We trust that some way will be found to advance it for adoption as is. I say "as is" because, in our considered view, any reopening of this text will not lead anywhere and will, in all likelihood, be detrimental.

In this context, and in the light of statements made this morning and, indeed, on other occasions, I am bound to reiterate the cardinal importance that Israel attaches to the provisions concerning the composition of the Executive Council as spelled out in the treaty text. These provisions constitute one of the main considerations enabling Israel to support the treaty. Israel will oppose any future attempt to render ineffective the practical mechanism which ensures the equitable status of all States parties in the future CTBT organization, including changes to the list of States. Such a change will oblige Israel to reconsider its position towards the treaty. Hence, Israel urges all concerned to support and preserve the text in its present form and to try to bring our collective efforts to a tangible and meaningful conclusion.

Before concluding, let me express a word of appreciation to the Chairman of the Ad Hoc Committee. Over the last several months, Ambassador Ramaker has conducted himself with extraordinary skill, sagacity and good humour. We are indeed fortunate to have had his hand at the helm because without his perseverance it is doubtful if we would have ever progressed as far as in fact we have. It is now up to all of us to go the last mile, together, determined and undiverted.

The PRESIDENT: I thank the distinguished Ambassador for his statement and his kind words. I now give the floor to the distinguished representative of the United States of America, Ambassador Ledogar.

Mr. LEDOGAR (United States of America): I am pleased to see you in the Chair, Mr. President, and offer you the full support of my delegation.

I have asked for the floor today, under instructions, to offer the views of my Government on the comprehensive nuclear-test-ban treaty. The United States regrets that the Conference on Disarmament was not able to approve the treaty text tabled by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, and contained in CD/NTB/WP.330/Rev.2, and to forward it to the United Nations General Assembly. I wish to make clear that the United States supports this treaty text as it is. I also wish to make clear that we have carefully considered the continuing difficulties

(Mr. Ledogar, United States)

which some others have with the treaty text but have reached the firm conclusion that further negotiations or attempts to amend the text will not bring us closer to a consensus. On the contrary, the United States believes that the text in CD/NTB/WP.330/Rev.2 offers the only possibility of achieving a comprehensive nuclear-test-ban treaty at this time. We call on those delegations which have not yet done so to join with us in support of this text.

The PRESIDENT: I thank the distinguished Ambassador of the United States for his statement and his kind words to the Chair.

(continued in French)

The next speaker on my list is the distinguished representative of France, Ambassador Bourgois.

Mrs. BOURGOIS (France) (translated from French): Mr. President, allow me first of all to congratulate you on my own behalf and in the name of the friendship between our countries and between us on your assumption of the post of President of our institution.

Like many others, France regrets that the Conference on Disarmament was not able to approve the treaty text tabled by Ambassador Ramaker and contained in document WP.330/Rev.2. It regrets that the Conference was unable to forward the text to the United Nations General Assembly. I wish to make clear that my country supports this treaty text as it is. I also wish to make clear that France has considered very carefully the continuing difficulties which some delegations have with the treaty text, but has reached the clear and firm conclusion that further negotiations or attempts to amend the text will not bring us closer to a consensus - quite the contrary. My country believes that the text to be found in the document I have mentioned offers the only possibility of achieving a comprehensive nuclear-test-ban treaty at this time. France calls on all delegations which have not yet done so to support this text.

The PRESIDENT (translated from French): I thank Ambassador Bourgois for her statement and for her kind words to the Chair.

(continued in English)

I now give the floor to the distinguished representative of Japan, Ambassador Kurokochi.

Mrs. KUROKOCHI (Japan): Mr. President, may I begin by congratulating you on the assumption of the presidency of the CD at this crucial period? I assure you of my delegation's fullest cooperation in the advancement of the work of the CD under your able leadership. Furthermore, I would like to express my gratitude to your predecessor, Ambassador Urrutia, for the skilled and competent manner in which he guided the deliberations of this body.

(Mrs. Kurokochi, Japan)

I would also like to express my deep appreciation to the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, and his delegation, who dedicated themselves to the goal of reaching an agreement on a CTBT text.

It is extremely regrettable that we could not reach a consensus on this CTBT text, or on transmitting the text to the United Nations General Assembly, after two and a half years of intensive, sincere and devoted negotiations. It is all the more disappointing that, although almost all delegations could have gone along with the draft treaty text proposed by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, a few delegations could not come to the same conclusion.

I have already stated several times how significant this treaty is for nuclear disarmament and non-proliferation, and thus for international peace and security, and also how much the international community is waiting for this treaty to come into existence. There has been tremendous expectation for the CD, as the sole multilateral negotiating body on disarmament, to produce a positive result in the CTBT negotiations. At this stage, however, I would like to make only one point: namely, a CTBT is too important for the international community to give up on if we are unable to reach a consensus in Geneva. We must do whatever is possible so that the CTBT becomes a reality.

I sincerely hope that as many countries as possible will unite their efforts to promote the draft treaty text in some way so that the CTBT will be open for signature this fall as it was envisaged in the United Nations General Assembly resolution last year. Japan has always regarded the nuclear test ban as one of the highest priorities, and is determined to do everything in its power to achieve this long-desired goal.

Japan strongly urges India, and others who have expressed their reservations about the text, to reconsider their positions in view of the long-term good that the CTBT could bring. We hope that they will join our efforts so that this tremendously sought-after treaty can come into being.

The PRESIDENT: I thank the distinguished Ambassador of Japan for her statement and her kind words to the Chair. The last speaker on my list is the distinguished representative of Canada, Ambassador Moher.

Mr. MOHER (Canada): I would like to congratulate you, Sir, on assuming the presidency. Your skills and experience will be essential during this rather sensitive period of the Conference's work. The credibility and integrity of the Conference must be preserved and enhanced, and we consider you to be exceptionally well qualified to promote that end. You have passed two tests this week already, and we are sure that you will continue to do so.

Canada's long-standing support for an effective CTBT, as part of a broader nuclear disarmament and nuclear non-proliferation agenda, is well established. For that reason, we fully endorsed United Nations

(Mr. Moher, Canada)

General Assembly resolution 50/65 of the fiftieth session and the call therein that the CD conclude such a treaty in order to enable its signature by the outset of the fifty-first session of the General Assembly.

On 29 July this year, in the CD's Ad Hoc Committee, we registered our firm decision to accept the Chairman's text as is, despite reservations, as the best achievable text of such a treaty at this time, and we expressed the desire to move forward to signature of that text this September. That decision on our part has been formally recorded in the Ad Hoc Committee's report. While we deeply regret that we are not able to proceed on the basis of a full consensus in this Conference, we are greatly encouraged by the significant number of States that have come to a supportive conclusion concerning the draft treaty text in CD/NTB/WP.330/Rev.2.

Four decades of aspirations and more than two years of intensive negotiations cannot, and must not, be allowed to end in failure now. We thus cannot let this historic opportunity to move forward pass us by. Canada will continue to do its utmost and to cooperate to the fullest extent to bring about the signing of the CTBT this September according to our original schedule. We hope the vast majority of the members of the Conference and of the larger international community will also take such a position.

In conclusion, I wish to quote the recent statement of Canada's Foreign Minister on this topic:

> "Canada has a long-standing commitment to nuclear disarmament. Further progress on this issue starts with the CTBT, and we will continue to devote every effort to see it through to a successful conclusion."

Before yielding the floor, I would like yet again to express Canada's deepest appreciation for the efforts of the Ad Hoc Committee Chairman, Ambassador Ramaker, as well of his two committee co-chairmen, Ambassadors Zahran and Berdennikov, and of all other delegations who have contributed so significantly to the significant achievement that we do have before us.

The PRESIDENT: I thank Ambassador Moher for his statement and for his kind words to the Chair. Before suspending this meeting, I would like to draw the attention of delegations to document CD/WP.477, which has been circulated in this room, and which contains the proposal by Pakistan; it will be the subject of our consultations starting at 3 p.m. in room I, and hopefully will be the basis for a decision at the resumed meeting of the Conference. The meeting stands suspended until 5 p.m. in this room.

The meeting was suspended at 1.15 p.m. and resumed at 5.15 p.m.

The PRESIDENT: The 747th plenary meeting of the Conference on Disarmament is resumed.

As agreed this morning, I held open-ended informal consultations with interested delegations on the proposal made by the representative of Pakistan

(The President)

as contained in document CD/WP.477. These consultations revealed that there is no consensus on this proposal to transmit immediately the report of the Ad Hoc Committee on a Nuclear Test Ban (CD/1425 and Corr.1) to the United Nations General Assembly. I therefore consider that this matter is closed.

Before turning to our remaining business for today, I understand that some delegations may wish to take the floor at this stage. The distinguished Ambassador of Egypt has the floor.

Mr. ZAHRAN (Egypt) (translated from Arabic): I believe, Sir, that what you have just said about the conclusion of consultations on the draft decision put forward by the distinguished Ambassador of Pakistan, Ambassador Munir Akram, means that this matter is closed. The delegation of Egypt has twice raised the possibility of another, parallel path in this morning's session. We said that there is the possibility to transmit the report of the Ad Hoc Committee on a Nuclear Test Ban, which was adopted on 20 August, to the General Assembly accompanied by a letter that you would send yourself, in your capacity as President of the Conference on Disarmament, to the President of the fiftieth session of the General Assembly. I do not think that consultations were held concerning this possibility. Perhaps there was no consensus on the transmittal of the report of the Ad Hoc Committee in accordance with the draft decision submitted by the Ambassador of Pakistan. However, I believe that we could also consider the possibility of transmitting the report to the President of the General Assembly through you, Sir, and accompanied by a letter from you. I deeply regret the fact that some Members in the United Nations did not participate in the negotiations that were held in the Conference on Disarmament on the preparation of the CTBT and would not be aware of the background of the issue should the General Assembly be called upon to hold a resumed fiftieth session. It is, therefore, my opinion that those other States Members of the United Nations are entitled to know what has taken place during the negotiations and what are the positive or negative aspects that were reflected in the draft text. When we consider the draft treaty, we should view it as an integral whole rather than as separate parts. Therefore, Sir, I suggest that you should consider the possibility of the Conference on Disarmament approving the transmittal to the General Assembly of the report of the Ad Hoc Committee that was adopted on 20 August, accompanied by a letter from you addressed to the President of the General Assembly.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): I would just recall that the proposal which has just been made again, formally, by the distinguished Ambassador of Egypt was one which I made yesterday in the course of the informal Presidential consultations when I said that, although the Western Group would prefer there to be a report, we would nevertheless be prepared to accept the procedure which has just been described by the distinguished Ambassador of Egypt, and therefore I would like to add the support of the Western Group for that proposal.

Ms. GHOSE (India): I thought we had dealt with the substance and not just with the form of the decision put forward by the Ambassador of Pakistan. I had reiterated our position and have no objection in doing so again. I said

(Ms. Ghose, India)

in the morning that we were not convinced as to the reasons why we were taking such measures when the General Assembly at its fiftieth session is not expecting a report. Whether it is sent with a letter or a decision does not really make very much of a difference to that particular position. We do not see any justification for any extraordinary measures to be taken at a time when the Conference on Disarmament has already agreed that there is no text on which it can agree. That is already there. So, the Conference on Disarmament has no further action to take on this matter. This is our logic and this our stand. I think that if the delegates who have just spoken had been present at the informal consultations, they would have known that this would have been the situation.

The PRESIDENT: I thank the distinguished Ambassador of India. Well, I think what we heard here, the three speakers anyway, justifies my ruling that the matter is closed. Before we turn to our remaining business for today, I understand that some delegations may wish to take the floor. The Ambassador of New Zealand has the floor.

Mr. ARMSTRONG (New Zealand): I am not intending to take the floor on the point that you have just covered. New Zealand would, of course, have been happy to support the proposal put forward by the distinguished Ambassador of Egypt. But, frankly, I think it now appears clear, as you have decided, that the Conference is not in a position to take such a decision.

It will be clear from the report of the Ad Hoc Committee on a Nuclear Test Ban contained in document CD/1425 that New Zealand supported the proposal that the Chairman's text of a CTBT treaty be forwarded from the Ad Hoc Committee to the Conference on Disarmament for adoption. We also supported the proposals made today which would have had the effect of submitting the Ad Hoc Committee's report to the General Assembly. As I say, it now appears that the Conference is not in a position to take any one of these decisions. We regret this situation. The international community, it seems to us, may not look with understanding on the procedural manoeuvring which we have witnessed today, since rules of procedure, in our view, are intended to facilitate and not to frustrate the orderly conduct of business.

This situation presents all countries represented in this Conference with a difficult dilemma: General Assembly resolution 50/65 called on the Conference to conclude negotiations on a CTBT in time to enable its signature in September, a deadline that is hardly more than a week away. We have concluded these negotiations, although it is a regrettable fact that we did not reach consensus on the Chairman's text. Accordingly, all countries which want to fulfil the General Assembly's expectation of a treaty open for signature in September now face a choice: do we leave the Chairman's text for ever in the records of the Ad Hoc Committee and pronounce failure, or, on the other hand, do we allow the international community, which this body serves, to consider for itself the merits of the text? In our view, there is no difficulty in that choice: we must allow the international community the opportunity to consider our work. This is also clearly the view of the overwhelming majority of members of this Conference, as is evident from the statements we heard from the beginning of this morning's plenary session.

(Mr. Armstrong, New Zeland)

New Zealand, for its part, has worked consistently for the conclusion of a CTBT. We now see the opportunity to achieve that objective. New Zealand does not regard this to be a perfect treaty, but it is a major achievement for the Ad Hoc Committee under the successive Chairs of Mexico, Poland and the Netherlands. We pay tribute to all three, and we offer our special thanks to the current Chairman, Ambassador Jaap Ramaker, and his delegation.

We are fully convinced that this draft treaty serves New Zealand's long-standing goal of bringing about an end to all nuclear-test explosions for all time. It is an essential step along the road to the complete elimination of nuclear weapons. The Ad Hoc Committee has, in the words of its Chairman, "reached the very limits of what it could negotiate". Accordingly, it is this treaty text on which we must decide. The opportunity for that decision should not, in our view, be denied to the international community by this Conference.

Mr. KREID (Austria): In addition to what has been stated this morning by the Ambassador of Ireland speaking in the name of the European Union, we would like to make the following statement.

I am taking the floor in order to give expression to the disappointment of the Austrian Government that we have not been able to transmit to the United Nations General Assembly a report on the work undertaken in the framework of the Conference on Disarmament with regard to a comprehensive nuclear-test-ban treaty, despite the fact that the General Assembly has called upon us to prepare such a treaty for signature at the outset of its fifty-first session. We believe that the efforts which have been undertaken in the Ad Hoc Committee have produced a draft treaty text which goes a long way towards meeting the requirements of member States. It therefore met with broad support. It would, indeed, be deplorable if these efforts remain without consequences. We believe that we owe it to the community of nations to take advantage of the unique opportunity of concluding an international treaty, which has eluded us for so many years. The text as it stands, while not without flaws and imperfections, cannot be improved upon by further negotiations. Of this we have convinced ourselves during the last weeks. We therefore appeal to all countries to lend it their support and to ensure that we will not be deprived of the great benefits entailed in the implementation of this treaty. My country is willing and open to cooperate in every possible manner in order to find ways and means to overcome the stalemate which we have unfortunately run into in the context of the Conference on Disarmament.

Baron GUILLAUME (Belgium) (translated from French): Sir, permit me to say, first of all, how pleased I am to see you in your present seat. You have come at an historic moment and there can be no doubt that to discharge your duties you will need all your acknowledged diplomatic skill.

I would also like to pay tribute to the Chairman of the CTBT Ad Hoc Committee for the outstanding work done by him and his team. It was difficult, frequently very delicate and, at all events, very tiring for all the members of the Netherlands delegation. They carried it through with a professionalism that fills us all with admiration and they are now, I am sure, looking forward to a well-deserved rest. Ambassador Ramaker has told us that, legally speaking, he will remain in office until January next year and that it

(Baron Guillaume, Belgium)

is premature, therefore, to pay tribute to him. But, apart from the fact that I will not be here in January myself, I think that we should strike while the iron is hot, so to speak, and do it now, when we have just taken such an important step forward in our work. So, Ambassador, please accept our warmest congratulations and our gratitude for these months of hard labour that you have devoted to the Conference.

To carry out his task Ambassador Ramaker gathered around himself the most skilled members of the Conference, beginning with the Chairmen of the Working Groups, Ambassadors Zahran of Egypt and Berdennikov of the Russian Federation. We also commend the work of his Friends, friends of Friends, moderators and so on, not forgetting the excellent work done on technical issues, principally under the guidance of Dr. Peter Marshall. Lastly, let us acknowledge that everyone present in the chamber contributed intensively, in one fashion or another, to our work: the delegations themselves, the members of the secretariat under the authority of our Secretary-General, Mr. Petrovsky, the Personal Representative of the United Nations Secretary-General, Mr. Bensmail, our Deputy Secretary-General, and Jenifer Mackby and her ever-present smile. Our thanks to them all.

In my national statement which was attached to the report of the Ad Hoc Committee I expressed my country's regrets and hopes concerning the CTBT negotiations. Regarding the draft treaty as it appears in CD/NTB/WP.330/Rev.2, I said that Belgium was prepared to support it as a compromise text and to recommend its transmittal to New York for endorsement by the United Nations General Assembly. After careful study, the Belgian Government has reached the conclusion that fresh negotiations or attempts to amend this text will not bring us closer to a consensus. Consequently, in order to give it all the weight and dissemination it deserves, I have written to you, Mr. President, to say that my Government is willing to sponsor the text and would be grateful if you would circulate the draft treaty as an official document of the Conference.

The PRESIDENT (translated from French): I thank the Ambassador of Belgium for his statement.

(continued in English)

I see no other delegation wishing to take the floor, so, if you allow me, I will proceed with the usual business. I am sure you are aware that there are only three more weeks before the end of our 1996 session. Therefore, with the assistance of the secretariat, I have started the preparation of the draft annual report of the Conference to the fifty-first session of the General Assembly of the United Nations. My intention is to have a first draft circulated by Thursday, 29 August, and to start its consideration at an informal meeting following the plenary on Tuesday, 3 September.

The next plenary meeting of the Conference will be held on Thursday, 29 August 1996, at 10 a.m.

The meeting rose at 5.40 p.m.